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April 28, 2022

BY ECF

The Honorable Sarah L. Cave
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Catherine McKoy, et al., v. The Trump Corporation, et al., 18-cv-09936 (LGS)

Dear Judge Cave:

We write on behalf of Plaintiffs and the putative classes in the above-referenced action pursuant to yesterday's order referring this action to Your Honor for general pre-trial purposes. ECF 406. As an initial matter, we look forward to appearing before Your Honor and continuing to move this case forward.

As Your Honor may be aware, the operative pleading is the Second Amended Complaint filed on September 14, 2021, ECF 333, and the parties have provided regular status updates to the Court during discovery, the most recent of which was filed on April 22, 2022, ECF 405. At a high level, after a series of delays including a lengthy stay, *see* ECF 282, 293, 314, 348-49, the parties have made significant progress in discovery, are nearing the completion of document and written discovery, and have three disputes currently pending before the Court:

1. A dispute between Plaintiffs and Defendants concerning the default limit on the number of depositions that Plaintiffs shall be permitted to take, ECF 383-84, 393;
2. A dispute between Plaintiffs and Defendants concerning certain categories of relevant discovery that Defendants refuse to search for or produce, *see* ECF 386-87, 394; and
3. A series of disputes between Plaintiffs and ACN concerning certain categories of document discovery, some of which ACN has now agreed to but some of which remain at impasse, as well as individual depositions, *see* ECF 396-97, 403.

The parties also have commenced depositions. Plaintiffs took two depositions of former ACN employees in February 2020, and Defendants took the deposition of one of the four Plaintiffs on April 27, 2022. The operative case management plan currently provides for a fact discovery

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deadline of June 29, ECF 357 ¶ 8(b), and so the parties are in the process of scheduling other depositions, though the total number and the sequence and timing of depositions are likely to be affected by the Court's resolution of the disputes outlined above.

We are available to appear for a conference or to provide any further background or additional briefing that may assist the Court.

Respectfully submitted,



Roberta A. Kaplan

cc: Counsel of Record (via ECF)